

Amendment No. 1 to HB0665

Winningham
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 629*

House Bill No. 665

by deleting all sections after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-131(a), is amended by deleting subdivision (2) in its entirety and substituting instead the following language:

(2) Placing the child on probation under the supervision of the probation officer of the court or the department of children's services, or any person, or persons or agencies designated by the court, or the court of another state as provided in § 37-1-143, under conditions and limitations the court prescribes.

(A) If the adjudication of delinquency was for an offense involving first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping, especially aggravated kidnapping, aggravated assault, or felony reckless endangerment, or a violation of §§ 39-13-211 (voluntary manslaughter), 39-13-212 (criminally negligent homicide), 39-13-527 (sexual battery by an authority figure), 39-13-532 (statutory rape by an authority figure), 39-17-1302 (prohibited weapon), 39-17-1307 (unlawful carrying or possession of a firearm), 39-17-1309 (carrying weapons on school property), 39-17-1311 (carrying weapons on public parks, playgrounds, civic centers and other public recreational buildings and grounds), 39-17-1319 (handgun possession), 39-17-1320 (providing handguns to juveniles), or 39-17-417 Class A or Class B felonies (drug offenses), and if school attendance is a condition of probation, or if the child is to be placed in the custody of a state agency and is to be placed in school by a state agency or by a contractor of the state agency, the court shall make a finding that the child's school shall

be notified. The court shall then enter an order directing the youth service officer, probation officer, or the state agency if the child has been committed to the custody of the state agency, to notify in writing the school principal of the nature of the offense and probation requirements, if any, related to school attendance, within five (5) days of the order or before the child resumes or begins school attendance, whichever occurs first. In individual cases when the court deems it appropriate, the court may also include in the order a requirement to notify county and municipal law enforcement agencies having jurisdiction over the school in which the child will be enrolled. When the principal of a school is notified, the principal of the child's school, or the principal's designee, must convene a meeting to develop a plan within five (5) days of the notification.

Reasonable notice shall be given of the date and time of the meeting. The child, the department of children's services if the child is in state custody, the child's parent/guardian/legal caretaker if not in state custody, and other appropriate parties identified by the child, the department of children's services or parent/guardian/legal caretaker shall be invited to the meeting. The plan shall set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel that will be responsible for working with the child to complete the goals. Such information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and school counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to the provisions of this section, but such information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be

required by law. Such notification in writing of the nature of the offense committed by the child and any probation requirements and the plan shall not become a part of such child's student record. A violation of the confidentiality provisions of the preceding sentence is a Class C misdemeanor. In no event shall a child be delayed from attending school for more than five (5) school days from the date of notice.

Notwithstanding any other state law to the contrary, the department of children's services shall develop a written policy consistent with federal law detailing the information to be shared by the department with the school for children in its legal custody when notification is required.

(B) If the court does not place the child in state custody, but orders the child to complete an inpatient mental health treatment program at a hospital or treatment resource as defined in § 33-1-101, and upon leaving that hospital or treatment resource, the principal of the child's school must be notified and the principal of the child's school or the principal's designee must convene a meeting to develop a transition plan within five (5) days of the notification. Reasonable notice shall be given of the date and time of the meeting. The child, child's parent/guardian/legal caretaker, other relevant service providers, and other appropriate parties identified by the child and parent/guardian/legal caretaker shall be invited to the meeting. If release of information documents in compliance with title 33, part 3 are executed, the principal and designated school personnel may work with the child's mental health provider to develop this plan. The transition plan shall set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel that will be responsible for working with the child to complete the goals. Such information shall be shared only with employees of the school having

responsibility for classroom instruction of the child, but such information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may be otherwise required by law. Such notification in writing of the nature of the offense committed by the child, any probation requirements, and the transition plan developed pursuant to this subdivision (a)(2)(B), shall not become a part of the child's student record. A violation of this confidentiality provisions of this subdivision (a)(2)(B) is a Class C misdemeanor. In no event shall a child be delayed from attending school for more than five (5) school days .

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 31, is amended by adding the following language as a new section thereto:

§ 49-6-3114.

(a) If the hospital or treatment resource is of the belief that a child leaving a treatment program poses a substantial likelihood of serious harm as defined in § 33-6-501 in addition to the duties in § 33-3-207, it is the duty of such hospital or treatment resource to warn the principal of the school the child will be attending of such belief so the principal or principal's designee may convene a meeting to develop the transition plan accordingly.

(b) Such information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and school counselor, social worker or psychologist if involved in developing or implementing the plan for the child while in the school, but such information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. Such notification in writing of the nature of the offense committed by the child and any probation requirements and the transition plan developed pursuant to subsection (a), shall not become a part of such child's student record. A violation of the confidentiality provisions of this subsection (b) is a Class C misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 49-6-3102, is amended by designating all of the language in subsection (a) as subdivision (a)(1) and by adding the following language as a new subdivision (a)(2):

(2) The board of education of each local school system is not required to provide for the enrollment in a public school system under its jurisdiction of a child for whom a transition plan is required pursuant to § 37-1-131 or § 49-6-3114, unless such transition plan has been developed, but in no event shall a child be delayed from attending school for more than five (5) school days from the date of the notice.

SECTION 4. This act shall take effect July 1, 2007, the public welfare requiring it.